



***Submitted Electronically – Hard Copy to Contracting Officer Only***  
***This Document Contains Confidential Business Information***

March 2, 2010

395950.PP.01



Mr. Michael Pheeny, Contracting Officer  
U.S. Environmental Protection Agency  
1445 Ross Avenue  
Suite 1200 (6MD-RP)  
Dallas, TX 75202-2733

Reference: Contract No. EP-W-06-021  
Remedial Action Contract 2 (RAC 2)

Subject: Davis Bacon Submittal  
Task Order No. 0043-RARA-06JW  
Recovery Tar Creek Operable Unit 4 (OU4) Superfund Site RA – ARRA  
DCN: 0043-03005

Dear Mr. Pheeny:

The enclosed Davis Bacon Submittal Statement of Compliance Report from Delmonico Restoration & Development, LLC, is submitted in support of the subject task order in accordance with the terms and conditions of Delmonico Restoration & Development, LLC, subcontract agreement (#813207) with CH2M HILL. The labor rates have been reviewed and determined to exceed the required labor rates for the area in which the project is being performed.

Please contact me at 972/663-2261, if you have questions or need additional information.

Sincerely,

CH2M HILL

A handwritten signature in blue ink, appearing to read "Ken McClain".

Ken McClain  
Financial Manager

c: Mr. Hank Thompson/PO/ EPA Region 6  
Ms. Renee Ryan/PGM/CH2M HILL  
Mr. Scott Irving/DPGM/CH2M HILL  
Mr. Nick Fiscina/Subcontract Administrator/CH2M HILL

Enclosures: Davis Bacon Submittal No. 1

**U.S. Department of Labor**  
Employment Standards Administration  
Wage and Hour Division

**PAYROLL**

(For Contractor's Optional Use; See Instructions at [www.dol.gov/esa/whd/forms/wh347instr.htm](http://www.dol.gov/esa/whd/forms/wh347instr.htm))

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



Rev. Dec. 2008

NAME OF CONTRACTOR ☐ OR SUB-CONTRACTOR ☒ **Delmonico Restoration & Development, LLC**  
 PROJECT AND LOCATION **112 weeks ending 1/30/2010**  
 PROJECT OR CONTRACT NO. **01/30/2010**  
 OMB No. 1215-0149  
 Expires: 12/31/2011

PAYROLL NO		FOR WEEK ENDING		01/30/2010		PROJECT AND LOCATION		PROJECT OR CONTRACT NO										
1 (2 weeks ending 1/30/2010)						Tar Creek Superfund OU4, Remediation Distal Areas Pkg 1		Sub 813207										
(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) WITHHOLDING PORTIONS ON	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS			(9) NET WAGES PAID FOR WEEK		
			17	18	19	20	21	22	23				FICA	WIT-H. HOLDING TAX	OTHER	TOTAL DEDUCTIONS		
William Bruner 2521		Laborer 5/07	17	18	19	20	21	22	23			\$12.00						
Robert Hernandez 5110		Operator										\$16.00						
Gerald Jones 2778		Operator										\$15.00						
John Livingston 8436		Operator										\$16.00						
Shawn Shoemaker 5593		Operator										\$14.00						
Jerry Smith II 4641		Laborer/Operator										\$14.00						
Jerry Smith 7532		Operator										\$18.00						
Wesley Woodcock 0487		Laborer										\$12.00						

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to furnish weekly a statement with respect to the wages paid each employee during the preceding week. U.S. Department of Labor (DOL) requires all 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, also completed by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and Federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

**Public Burden Statement**

We estimate that it will take an average of 52 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room 3392, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Date 2/2/2010  
Anthony Nievera  
(Name of Signatory Party) President & Contract Manager  
(Title)  
do hereby state:

(1) That I pay or supervise the payment of the persons employed by  
Delmonico Restoration & Development, LLC  
(Contractor or Subcontractor) on the

17 (Building or Work) that during the payroll period commencing on the  
day of January, 2010, and ending the 30 day of January, 2010,  
all persons employed on said project have been paid the full weekly wages earned, that no rebates have  
been or will be made either directly or indirectly to or on behalf of said

Delmonico Restoration & Development, LLC from the full  
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly  
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part  
3.129 C.F.R. Subtitle A1, issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,  
63 Stat. 108, 72 Stat. 567, 76 Stat. 357, 40 U.S.C. § 3145), and described below.

(2) That any payrolls otherwise under this contract required to be submitted for the above period are  
correct and complete, that the wage rates for laborers or mechanics contained therein are not less than the  
applicable wage rates contained in any wage determination incorporated into the contract, that the  
classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide  
apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of  
Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a  
State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:  
(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☐ in addition to the basic hourly wage rates paid to each laborer or mechanic listed in  
the above referenced payroll, payments of fringe benefits as listed in the contract  
have been or will be made to appropriate programs for the benefit of such  
employees, except as noted in section 4(c) below

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☒ Each laborer or mechanic listed in the above referenced payroll has been paid  
as indicated on the payroll, an amount not less than the sum of the applicable  
basic hourly wage rate plus the amount of the required fringe benefits as listed  
in the contract, except as noted in section 4(c) below

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

State payroll tax IDs are not set up as of 2/2/10, therefore, no deductions taken at this  
time. Withholding adjustments will be made upon the set up of tax IDs

NAME AND TITLE  
Anthony Nievera

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR  
SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION, SEE SECTION 1801 OF TITLE 18 AND SECTION 21 OF TITLE  
31 OF THE UNITED STATES CODE